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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,744	02/19/2004	Fiorenzo Draghetti	U 015042-3	1668

7590 04/01/2005  
Ladas & Parry  
26 West 61 Street  
New York, NY 10023

EXAMINER
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FERGUSON, MARISSA L

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/782,744	Applicant(s) DRAGHETTI ET AL.	
	Examiner Marissa L. Ferguson	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION:

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 26-29 is/are rejected.
- 7) ☒ Claim(s) 21-25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/1/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically regarding claim 1, the applicant fails to further limit the claim because no steps are positively recited as a method claim.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-17 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blidung et al. (US Patent 5,630,309) in view of Draghetti et al. (US Publication 2003/0052020).

Regarding claims 15 and 26-28, Blidung et al. teaches a line for feeding blanks along a given path (Column 5, Lines 39-48), a first pickup means (32.1) for removing groups (2,8) of blanks arranged in groups given arrangement a storage area (area

Art Unit: 2854

located on the left side of figure 1 consisting of elements 2 and 8) from the storage area feeding them onto an upstream conveyor (Figures 4-7) from said work station and second pickup means (32.2) for removing said blanks in groups from a path (Column 5, Lines 39-48) downstream from a station (Figures 5,6 and 9), and feeding them, formed into given arrangement, to a packing area(1), the unit being characterized comprising a number of pallets (Column 5, Lines 52-58) supporting the blanks in the packing area (1) which comprises an unloading area (pallet area holding stacks 2,8) which is engaged by a first pickup means (32.1), located at an input end of a path (left side of figure 1)), and receives an initially loaded first pallet (Column 16, Lines 14-27) and a loading area (area located on the right side including packing machine 1) engaged by a second pickup means (32.2), which is located at an output end of a path (right side of figure 1). However, he does not explicitly disclose at least one workstation located along a path and subjecting each blank to at least one processing operation.

Draghetti et al. teaches a production method with cigarette packets that has many processing stations such as a print station (34), a lacquer station (Page 2, Paragraph 0037) and a station for applying identification information (Page 1, Paragraph 0019). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention as taught by Blidung et al. to include a processing station as taught by Draghetti et al., since Draghetti et al. teaches that it is advantageous to provide a packet of cigarettes designed to provide consumers with necessary information in a clear and concise manner.

Regarding claim 16, Blidung et al. teaches arranging blanks in a succession of individual blanks and reforming groups of blanks along a path (Figures 2,7 and 8-11).

Regarding claim 17, Blidung et al. teaches a means for conveying and arranging the blanks of each group into a succession of individual blanks and extracting each blank one at a time from a stack and depositing the blanks on the conveyor (Abstract, Column 5, Lines 58-66 and Column 6, Lines 1-2).

3. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blidung et al. (US Patent 5,630,309) in view of Draghetti et al. (US Publication 2003/0052020) as applied to claims 15-17 and 26-28 above, and further in view of Montemayor et al. (US Patent 5,494,398).

Blidung et al. in view of Draghetti et al. teach the invention claimed with the exception of a fixed hopper having an input for stacks and a bottom output end, a drum that is a suction member and wherein the drum is tangent to a bottom output end of a hopper and to the conveyor. Montemayor et al. teaches an unstacking device with a magazine unit (120), a rotating suction drum (30), wherein the drum is tangent to a bottom of the hopper and conveyor (204 and Figures 9,11). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention as taught by Blidung et al. to include a magazine and suction member as taught by Montemayor et al., since Montemayor et al. teaches that it is advantageous to ensure proper placement of a flat article on a transporting device.

4. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blidung et al. (US Patent 5,630,309) in view of Draghetti et al. (US Publication 2003/0052020)

Art Unit: 2854

as applied to claims 15-17 and 26-28 above, and further in view of Focke et al. (US 6,722,109).

Blidung et al. and Draghetti et al. both teach the claimed invention with the exception of at least one station for applying least one spot of hot glue to each blank. Focke et al. teaches a packaging device that applies hot glue to blanks (Column 3, Lines 21-24, Lines 52-58). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention as taught by Blidung et al. to include a gluing station as taught by Focke et al., since Focke et al. teaches that it is advantageous to securely glue the blanks in order to produce sturdy packs.

#### ***Allowable Subject Matter***

5. Claims 21-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: regarding claim 21 the prior art does not teach a regrouping means that are stacking means comprising braking means for braking the blanks coming off a conveyor, and substantially positioning them on edge; at least one container for receiving the on-edge blanks and forming, inside it, a stack of blanks; and a conveyor unit for receiving stacks of blanks from the container.

Regarding claim 25, the prior art does not teach or render obvious a group comprising a reel of a strip defined by a number of blanks arranged in series and

Art Unit: 2854

connected to one another; the ordering means and regrouping means comprising an unwinding pin for unwinding a reel, and, respectively a rewinding pin for receiving a strip and forming a strip into a new reel; the path extending between two pins and a guide means being provided to guide a strip along a path and through a work station.

### **Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L. Ferguson whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marissa L Ferguson  
Examiner  
Art Unit 2854

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Daniel J. Collilla  
Primary Examiner  
Art Unit 2854